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No. 85-665

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1985

PLEASANT VIEW ELEMENTARY SCHOOL PTA,

PETITIONER

v.

GROUP 1 DEFENDANTS

PETITIONER S REPLY BRIEF

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Pleasant View Elementary School PTA, by counsel, hereby submits this brief in reply to the opposition to the petition for certiorari filed by the Respondent Boards of Education, hereinafter called the Boards.

1. The Boards' statements, pp. 2-3, fn. 1 and p. 22 of its brief, that PTA has dissolved, and that the community does not support this action, are not supported by the record, are false, and are irrelevant.

2. The Boards' statement, p. 11, fn. 4, that the State Board regulation was never published or adopted as a bylaw is a denial of par. 1.21 of the complaint herein, JA-59 in the court of appeals, which asserts that the regulation was both adopted and published.

3. The Boards' argument, pp. 10-13, that PTA lacks a constitutionally protected interest in the closure of Pleasant View Elementary School is wrong.

PTA understands that the court of appeals, by its finding that this case is indistinguishable from Goodrich v. Newport News School Board, 743 F.2d 225 (4th Cir. 1984), to have found that the rules of the State Board and the Local Board

conferred on PTA a constitutionally protected interest, namely one of the same kind and degree that other state rules confer on tenured school employees. And of course it is federal, rather than state, law which determines the existence of such an interest.

4. The Boards' statement, p. 15, that PTA has never explained its equal protection claim, is flatly false.

PTA contents itself with a single example: As alleged in par. 8.2 of the complaint, JA-65-66 below, one purported reason for the closure of Pleasant View school was that Pleasant View had barriers to certain handicapped children, namely thosein wheelchairs, while the school to which the Pleasant View children were sent

did not. However, (1) Montgomery County Public Schools has spent very little money making elementary schools accessible to children in wheelchairs; (2) the Local Board voted in 1981 to close eight barrier free schools and, contrary to the recommendation of the local superintendent, not to close eight schools which are not barrier free; (3) the cost of making Pleasant View barrier free was minimal, either $12,000 or $57,000, and was not ascertained until long after the Local Board voted to close Pleasant View; and (4) Pleasant View had, in 1980, been specially modified at a cost in excess of $160,000, to accommodate another kind of handicapped child, namely deaf children, and was of all the closure

candidates the only one specially modified for a special program. (Complaint, par. 8.31 ff., JA-67 ff. below)

5. The Boards' suggestion, pp. 20-21, that school closures are not justiciable under state law is wrong, because this case involves issues of law rather than issues of educational administration.

Respectfully submitted,

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